

APR 13 2012

ROBERT D. DENNIS, CLERK  
U.S. DIST. COURT, WESTERN DIST. OF OKLA.  
BY Zuk DEPUTY

## ORDER

Oklahoma law governing the statutory savings account expressly allows inmates to withdraw funds from the account to pay fees under 28 U.S.C. § 1911, et seq. Okla. Stat. tit. 57 § 549(A)(5); see also Williams v. Austin, 890 P.2d 416, 418 (Okla. Ct. App.1994)("A prisoner's savings held by the

Department of Corrections may be used to pay fees or costs in filing a civil action.")(citations omitted)).

Doc. 5 at 1 n.2.

Leiva not only is able to pay his filing fee from his inmate savings account because he has sufficient funds to do, but also is responsible for paying the filing fee without further order of the Court.

Accordingly, the Court

(1) ADOPTS the Report and Recommendation [Doc. 5] issued on April 3, 2012;

(2) DENIES Leiva's Motion for Leave to Proceed Pursuant to 28 U.S.C. § 1915 [Doc. 2] file-stamped March 28, 2012;

(3) DECLINES to issue "a direct order" to prison officials as requested by Leiva, but ADVISES him that he may use the instant Order in his efforts to seek access to his inmate savings account to insure timely payment of the filing fee;

(4) further DECLINES Leiva's request for a hearing on the issues presented in his Objection to Magistrate's Report and Recommendation and Notice to Court and his request for an order directing the respondent "to immediately release [him] . . . to federal authorities for deportation back to Mexico, without delay," Doc. 6 at 1;

(5) ORDERS Leiva to pay the filing fee of \$5.00 in full on or before May 4, 2012; and

(6) ADVISES Leiva that his failure to pay the filing fee in full or show good cause for his failure to do so by May 4, 2012, will result in the dismissal of this matter without prejudice.

ENTERED this 13th day of April, 2012.

  
LEE R. WEST  
UNITED STATES DISTRICT JUDGE